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Letter dated 30 July 2002 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

I have the honour to refer to the letter dated 16 July 2001 from the Permanent Representative of Iraq to the United Nations addressed to you (S/2001/705). To the surprise of those even remotely familiar with the history of the war imposed on the Islamic Republic of Iran by Iraq, the letter contends that "many reports and studies published since 1988 have confirmed the use of Iran of chemical weapons in its war of aggression against Iraq".

To seemingly substantiate such a stunning and cynical claim, the letter, out of those "many reports and studies", only refers to "a 1990 report of the Institute of Strategic Studies", without even specifying which one, and two quotations taken out of context from a single article in *The Washington Post*. It didn't come as a surprise, however, that no reference at all is made in the Iraqi letter to authoritative and independent opinions submitted by eight United Nations missions dispatched by the Secretary-General to Iran and Iraq to investigate the use of chemical weapons in the Iran-Iraq war.

In the course of the last 13 years, since the end of the war, the agony of thousands of Iranians exposed to chemical weapons used by the Iraqis has persisted unabated. Since then, hardly a week goes by without the death of a surviving victim of Iraqi chemical attacks, suffering from leukaemia and/or other related diseases. In the face of the grotesque distortion of the facts contained in the above-mentioned letter, I should avail myself of this opportunity to recall a few of the numerous United Nations documents, media reports, official positions of Governments etc., which all singled out unanimously the culprit violating the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and Bacteriological Methods of Warfare, of 1925.

In the annex to this letter you will find a partial and brief description of the widespread and systematic resort by the Iraqi Government to Chemical weapons, on the basis of authoritative and independent investigations, against Iranian military personnel and even civilians. Our experience reasonably justifies our concern, as one of Iraq's neighbours, over the continuous refusal of Iraqi officials to accede to conventions such as the Chemical Weapons Convention and the Comprehensive Nuclear-Test-Ban Treaty.

02-50757 (E) 120802

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammad Hassan **Fadaifard**
Ambassador
Chargé d'affaires a.i.

Annex to the letter dated 30 July 2002 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

On 3 November 1983, the Government of the Islamic Republic of Iran informed for the first time in communication to the UN Secretary-General that chemical weapons were being used by Iraq in the conflict between the two countries (S/16128). 15 subsequent letters detailed the use of chemical weapons by Iraq in the period leading to the first dispatch of a UN investigating mission to Iran. The summary of the conclusions of the first and subsequent UN investigating missions to Iran and Iraq and the reactions of the Security Council to the reports submitted by them are as follows:

a. In his letter to the Security Council (S/16433 of 26 March 1984), the Secretary-General, transmitting the first report of the specialists appointed by the United Nations to investigate the use of chemical weapons in Iran-Iraq war, refers to preceding events, including the backdrop against which he found himself obliged to act upon the request made by Iranian officials and send the specialists to Iran. In this respect, he states, among others, that:

> "Press reports indicated that medical authorities in a number of countries in which Iranian nationals were being treated or relevant data were being analyzed had not excluded the possibility that chemical weapons had been used. Those reports were accompanied by a growing call by Governments as well as by public and private organizations for an objective and impartial investigation." (para. 4)

These remarks, at the same time, reflect evidently the then prevailing international outrage at the use of chemical weapons against "Iranian nationals", and are a sign of why the Secretary-General felt obliged to conduct the first and 7 more forthcoming field investigations.

The letter concludes:

> "The Secretary-General cannot but deplore that their unanimous conclusions substantiate that chemical weapons have been used". (para. 8)

The four eminent specialists dispatched to Iran reported their unanimous conclusions as follows:

> "Chemical weapons in the form of aerial bombs have been used in the areas inspected in Iran by specialists." (para. 35a)

Iraq not only refused to accept the specialists on its territory but also opposed to their dispatch to Iran. Iraqi officials in their reaction to the report of the specialists invoked "the possibility" of Iran "fabricating circumstances whereby it seeks to create justifications for its defeats ....", stressed its resentment over the dispatch of the specialists to the area and went on hoping that the Secretary-General "will not let himself be duped by one of the parties to the conflict." (S/16438 of 27 March 1984)

The report resulted in the issuance of a Note by the President of the Security Council (S/16454 of 30 March 1984), which, inter alia, "strongly condemns the use of chemical weapons reported by the mission of specialists."

b. In April 1985, following the hospitalization in Europe of a number of Iranians injured as a result of the exposure to chemical weapons, the Secretary-General, with a view to "obtaining authoritative and an independent opinion" on the information coming from the hospital centers concerned, dispatched a medical specialist to examine Iranian patients. The medical specialist, having completed his assignment, states in his report (S/17127 of 24 April 1985) that:

> "Chemical weapons were used during March 1985 in the war between Iran and Iraq. Yperite [mustard gas] was used, affecting Iranian soldiers, and the attacks were made by means of bombs dropped from aircraft".

Having reviewed the above-mentioned report, the Security Council issued the Note by the President (S/17130 of 25 April 1985), which states, among others, that:

> "The members of the Council, seized with the continuing conflict between Iran and Iraq, are appalled that chemical weapons have been used against Iranian soldiers during the month of March 1985 in the war between the two countries, as concluded in the report of the medical specialist appointed by the Secretary-General."

In a letter to the Secretary-General (S/17134 of 28 April 1985), the Iraqi Permanent Representative, in open defiance to the Security Council, which had demanded in its Note: "... that the provisions of the Geneva Protocol be strictly observed" stated that: "Iraq will use all means available to it ... if the Iranian regime launches a new attack on Iraqi territory ...". Though the compliance with the Geneva Protocol is unconditional, I will make clear later how unfounded was the invocation of self-defense by Iraqis in justifying their resort to chemical weapons.

c. Upon the intensification of the use of chemical weapons by Iraq and the request by Iran, the Secretary-General dispatched the second mission of specialists, in February 1986, to the area and transmitted its report to the Council on 12 March 1986. (S/17911) In his transmittal letter, the Secretary-General states that:

> "In the circumstances, the Secretary-General cannot but note with regret that the specialists have confirmed the use of chemical weapons by Iraqi forces against Iranian forces in the course of the present Iranian offensive into Iraqi territory. The Secretary-general repeatedly has declared that he strongly condemns the use of chemical weapons wherever and whenever this may occur. In the present instance such weapons have been used in violation of the Geneva Protocol of 1925 against Iranian forces, in the Iran/Iraq conflict." (para. 14) Emphasis added

Needless to recall and quote parts of the specialists' report, in which horrifying scenes are described. The Iraqi Government, considering the use of chemical weapons a "secondary issue", persisted in its refusal of accepting the mission on its soil, as referred to in para. 9 of the Secretary-General's report.

The Security Council, reacting to the above report, stated in a Note by its President (S/17932 of 21 March 1986) the following:

> "Profoundly concerned by the unanimous conclusion of the specialists that chemical weapons on many occasions have been used by Iraqi forces against Iranian forces, most recently in the course of the present Iranian offensive into Iraqi territory, the members of the Council strongly condemn this continued

use of chemical weapons in clear violation of the Geneva Protocol of 1925, which prohibits the use in war of chemical weapons".

The Iraqi Foreign Minister, reacting to the above presidential Note by the Council, called it "a cause of regret to the Government of Iraq", considered it to be lacking "the required degree of balance", chastised "certain parties" accusing them to wish "to encourage those barbarians to persist in their aggression" and finally "pronounced a firm warning against the unjustified and apparently impure attempts to concentrate on secondary issues arising from the conflict ..." (S/17934 of 23 March 1986)

d. In follow-up on the two earlier investigations and following Iranian numerous requests, the Secretary-General dispatched the third mission of specialists to the area in April 1987. Transmitting the report of the mission to the Security Council (S/18852 of 8 May 1987), he states that:

> "The specialists' findings that chemical weapons were again used against Iranian forces by Iraqi forces, also causing injuries to civilians in the Islamic Republic of Iran and that now also Iraqi forces have sustained injuries from chemical warfare must add new urgency to the grave concern of the international community." (para. 5)

This period represents a turning point in the use of chemical weapons by Iraqis in terms of extending them against Iranian civilians as well. The specialists echo this development in their report to the Secretary-General as follows:

> "... [W]e were very disturbed to find that there now have been numerous civilian casualties as a result of attacks by mustard gas. In a hospital in Tehran we saw the effects of mustard gas on a peasant family, particularly a mother and her two small daughters aged two and four years. We had the distressing experience of witnessing the suffering of the four-year-old child less than two hours before her death. In addition, we saw the very damaging effects of mustard gas on the young mother, who was four months pregnant." (Page 5) emphasis added

The Security Council issued a Note by the President on 14 May 1987 (S/18863), in which it reads, inter alia, that:

> The members of the Council are "[d]eeply dismayed by the unanimous conclusions of the specialists that there has been repeated use of chemical weapons against Iranian forces by Iraqi forces, that civilians in Iran also have been injured by chemical weapons and that Iraqi military personnel have sustained injuries from chemical warfare agents ..." (S/18863 of 14 May 1987).

e. The Government of the Islamic Republic of Iran in a number of letters dated between 17 and 24 March 1988 informed the Secretary-General that chemical weapons had been used on a large scale by Iraq against Iranian military personnel and civilians as well as against Iraqi Kurdish areas, including **Halabja**, resulting in large number of casualties, and requested the dispatch of a mission to investigate them.[i] In these letters Iran reported that around 5000 Kurdish people of Halabja were killed and more than 7000 were chemically affected.

The deadly attack on Halabja occurred on 17 March 1988 in the wake of attacks by Kurdish guerrillas on the Iraqi army in the region and cynically meant to punish the Iraqi Kurdish population for their opposition to the Iraqi regime.

Moreover, it occurred at the time when the city and its surrounding areas were in the hands of the Iranian army, and to refute the astonishing accusation contained in the Iraqi letter, suffice it to say that it would not have been logical for the Iranians to pollute an area under their own control, let alone killing local people who actively opposed Baghdad.

Despite the international outrage over the incidents and repeated requests made by the Iranian Government for conducting investigations, the reaction by the United Nations to the widespread use of chemical weapons by the Iraqis, simultaneously in some areas in Iran and in Halabja, did not live up to the expectation. Later, the Secretary-General in a report to the Security Council (S/19823 of 25 April 1988) explains:

> "In the circumstances, the Secretary-General decided to dispatch a medical specialist to the Islamic republic of Iran to investigate the allegations lodged by it." (para. 5) emphasis added

"The circumstances" the Secretary-General referred to in his report, which allowed him to dispatch only "a medical specialist" was indeed a reference to the "political expediency" prevailing in the Security Council at the time — the same "expediency" that had paralyzed the Council and prevented it from discharging its responsibility with regard to the maintenance of international peace and security, thus dealing decisively with the party which started the Iran-Iraq war and widely resorted to chemical weapons in its course. The scheme propped up by some in the Council at the time aimed at preparing the ground for imposing an arms embargo on Iran did not warrant taking an action, which would lead to finding Iraq in gross violation of the international law.

Regrettably, in the absence of military, ammunition and chemical experts, who might have concentrated on identifying the party that committed the barbaric crime in Halabja and elsewhere, the one-member UN team confined itself to clinically examining patients and concluding that in "Iran I was able to determine that patients had been affected by chemical weapons. A considerable number of those affected had been civilians." (S/19823 of 25 April 1988 para. 54 a) Therefore, the UN investigations into the tragic chemical attack on Halabja remained largely inconclusive.

However, the representatives of the international media, invited by the Iranian Government to visit the Halabja area, filled to some extent the gap. Given the confidence the author of the Iraqi letter placed in *The Washington Post* by predicating itself on it and also for the sake of brevity, I confine myself to the reports ran by *The Washington Post* on the issue at hand.

Patrick Tyler of *The Washington Post*, who, along with many other foreign journalists, traveled to Halabja under Iranian escort, among other things, reported the following in an article, ran on 24 March 1988:

> "More than 100 bodies of women, children and elderly men still lay in the streets, alleys and courtyards of this now-empty city, victims of what Iran says is the worst chemical warfare attack on civilians in its 7 ½ year-old war with Iraq. Some victims hugged children in silent embraces, other sprawled in doorways. One family lay near a table set for lunch. In another house, the cellar became the death chamber for residents trying to flee the heavier-than-air cloud that seeped down into their refuge to kill them. Outside, the streets

were littered with bloated carcasses of cattle, sheep, cats and dogs, all trapped by the chemical burst near the city center... According to survivors, a single warplane appeared from the west and dropped one or more chemical bombs that dispersed a deadly yellow-and-white cloud through the Kurdish city, killing hundreds and perhaps thousands of residents." Emphasis added

"Many of the Kurdish inhabitants of Halabja fled to the mountains, according to the few townspeople who have returned. But many others died in the massive bombing by Iraqi warplanes that followed, they said. A year ago the population of Halabja was reported at 70,000, but thousands of residents fled after an uprising against Iraqi military authorities last May... Some of the gas victims included Iranian Revolutionary Guards, who had entered Halabja to accept the surrender of the Iraqi garrison... Halabja survivors said in interviews that they were certain the gas attack was launched from an Iraqi warplane because it came after the battle for the city was over and Iraqi ground forces had withdrawn or surrendered." Emphasis added

Patrick Tyler reported later:

"Iranian War Ministry officials presented 28 Iraqi Army officers in a separate news conference, including two officers who said they have witnessed Iraqi warplanes drop chemical bombs on Halabja on 16 March. Brig. Gen. Nather Hussein Mustafa, the second-ranking officer captured during the northern offensive, said he was three miles from Halabja when planes dropped the bombs, which sent up a white cloud of poisoning gas. Mustafa said he was captured shortly before the attack by Iranian troops, who gave him a gas mask and took him to the city to see the civilian dead." (*The Washington Post* of 25 March 1988)

The Washington Post of 24 March 1988 in an article also reported that the international Committee of the Red Cross also condemned Iraq's use of chemical weapons and called it a "new and tragic escalation" of war.

The "political expediency" prevailing in the Security Council at the time was in full play in May 1988, when some of its members tried to bar at all costs the reflection of so many UN reports and even Council's presidential statements into a resolution clearly condemning Iraq for its repeated and gross violation of the Geneva Protocol of 1925. Astonishingly, the Council in its resolution 612 (1988), instead of condemning Iraq for the use of chemical weapons as it did in some of its presidential statements, "expects both sides to refrain from the future use of chemical weapons..." Such resolution encouraged Iraq in persisting on its path of continuous violation of the Geneva protocol of 1925, including even against its own people as described hereunder.

f. The continuation of the use by the Iraqis of chemical weapons against Iranian civilians and military personnel, despite the adoption of resolution 612, prompted the Iranian Government to request the United Nations to investigate the latest incidents. A two-member mission dispatched by the Secretary-General to the Islamic Republic of Iran in July 1988, in its report transmitted by the Secretary-General to the Security Council, (S/20060 of 20 July 1988) stated the following:

"We deeply regret to say that, on the basis of evidence gathered during the present mission, and in spite of repeated appeals by the United Nations, chemical weapons continue to be used in an extensive scale against Iranian

forces. As highlighted in the reports submitted by the previous missions that went to the Islamic Republic of Iran, the continued use of such weapons in the present conflict increases the risk of their use in future conflicts. It is also clear from the accumulated evidence that the use of chemical weapons in the present conflict has been intensifying and has also become more frequent."

In transmitting to the Security Council the report of the mission of specialists the Secretary-General expressed "his deep regret at the mission's conclusion that chemical weapons continue to be used against Iranian forces and positions." (para. 13)

He continues:

"The Secretary-General finds particularly disturbing that, only a few weeks after the unanimous adoption of resolution 612 (1988), he is compelled to submit to the Security Council a report which clearly points to activities that are in violation of the terms of that resolution." (para. 14)

The above-mentioned report led to the adoption of Security Council resolution 620 (1988). In preambular paragraph 4 of this resolution the Council pronounces itself to be:

Deeply dismayed by the mission's conclusions that there had been continued use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq and that such use against Iranians had become more intense and frequent,"

In this resolution, the Council also "condemns resolutely the use of chemical weapons in the conflict between the Islamic Republic of Iran an Iraq..."

g. Upon allegations raised by the Government of Iraq as to the use of chemical weapons by Iranian forces against Iraqi forces on June 20 and July 1, the Secretary-General dispatched a mission of specialists to Iraq. In the report submitted to the Security Council (S/20063 of 25 July 1988), both the mission and the Secretary-General stopped short of confirming the use of chemical weapons against Iraqi forces. In his letter, he adds:

"The Secretary-General notes with regret that the evidence obtained by the specialists points to an ever increasing presence of different types of weapons associated with aggressive chemical agents in the conflict between Iran and Iraq." (para. 4)

The detailed technical explanations given by the specialists in their report imply the dubious nature of the allegations by Iraq. The specialists refer to "the nine patients who had been indicated as affected by chemical weapons as the only ones affected during the attacks.", but they did not conclude how the soldiers were exposed to the gas. They found the presence of yperite in the cases discussed in the report to be "very limited in its intensity and effects." As to the means of delivery, the report affirms that:

"The alleged chemical grenades were, contrary to the high explosive type shown to us, partly rusty and some of them obviously leaking. One of the grenades examined, claimed to have been retrieved after the alleged attack in the morning of 1 July 1988, had not exploded but was damaged in the front so that the inner tube of the extension was exposed. The surface was also rusty.

During the inspections conducted by us, no inscriptions identifying the origin of the grenades alleged to contain chemical agents were noted." (para. 27)

The report concludes that:

"The CAM gave positive indication of the presence of a blister agent in the crates where the grenades, said to be captured from Iranian forces at Shalamcha, east of Basra, were kept, but analysis of the liquid samples from one of them could not confirm the presence of any chemical warfare agent;" (para. 32c)

It further concludes that:

"On the basis of the present investigation, the number of casualties and the extent of their injuries seemed less extensive than in previous investigations". (Para. 32e)

In the report, there is no word of attack by or use of chemical weapons against Iraqi forces in the conflict, let alone attributing any wrong doing to Iran. Instead, they let the report to be impregnated by serious doubts about the authenticity of the evidence presented by Iraqi officials. In other words, the specialists just stopped short of stating that the whole efforts by the Iraqis was a set-up aimed at accusing Iran of using chemical weapons.

h. The use of Chemical weapons against civilian population in eight locations at Sheikh Othman District of the Iranian city of Oshnaviyeh is an example that proved clearly how unfounded was the invocation by the Iraqi Government of "self-defense against aggression" to justify its resort to chemical weapons. The attack occurred at 2:45 a.m. on 18 July 1988; 15 days after the acceptance by the Islamic Republic of Iran of Security Council resolution 598, and at a time when the two sides were engaged in intensive negotiations with a view to agreeing on a date to cease fire. The later developments in the region in August 1990 further dissipated any possible trace of doubt in any minds as to which party had pursued aggressive and expansionist objective in the region. The Secretary-General set the record straight, though belatedly, by stating in his report to the Council of 9 Dec.1991 (S/23273) that:

"...[T]he attack of 22 September 1980 against Iran cannot be justified under the Charter of the United Nations, any recognized rules and principles of international law or any principles of international morality and entails the responsibility for the conflict."

The mission of specialists, dispatched by the Secretary-General to Iran in July 1988 to investigate the use by the Iraqis of the chemical weapons in the vicinity of Oshnaviyeh states in its letter of transmittal (S/20134 of 19 August 1988) that:

"It is with concern that we have reached the conclusion, on the basis of the evidence obtained during this mission, that in spite of repeated appeals by the United Nations, chemical weapons have been used against Iranian civilians in an area adjacent to an urban center lacking any protection against that kind of attack. The fact that even children have been injured proved once more the unacceptable consequences of such action. The use of chemical weapons constitutes a violation of the Geneva Protocol of 1925. Their utilization against civilians is particularly offensive to the human conscience and should be strongly rejected. Furthermore, this regrettable development has taken place at

a time when the possibilities of achieving peace in the conflict between the Islamic Republic of Iran and Iraq increased significantly." (p.5) emphasis added

The report in its conclusion reiterates:

"From the examination of a bottom plate and several splinters present in the area, it can be concluded that bombs similar to those found in 1984, 1986, 1987 and 1988 have been used against Iranian civilians indicating their utilization during an Iraqi air attack on Oshnaviyeh (p.11).

i. The Iraqi officials even dared to admit publicly that Iraq had used chemical weapons against Iran in the Persian Gulf War. Robert McCartney of *The Washington Post* quoted Iraqi Foreign Minister Tariq Aziz as telling a news conference on 1 July 1988 in Bonn that:

"[T]he use of chemical weapons 'might be controversial' but he called for understanding of Iraq's right to use 'all means, including the use of chemical weapons' to repel Iranian forces. 'I am a frank man, and I say that such [chemical] weapons were used in this conflict. The Iranians started the use,' Aziz said." (*The Washington Post 2 July 1988*) — a totally unfounded claim that Iraq never even tried to prove.

The Washington Post for 30 March 1988 quoted Nuri Nayef, head of the Iraqi News Agency office in Cairo as saying that

"[A]n Iraqi government spokesman told him the military might choose a number of large Iranian cities to be the targets of chemical weapons as a deterrent and punitive measure."

Patrick Tyler of *The Washington Post* quoted Iraq's defense minister, Gen. Adnan Khairallah, as saying in an interview in Iraq that:

"Iraq's alleged large-scale use of chemical weapons during the eight-year war with Iran was 'dirty linen' that he would not discuss publicly. But in a two-hour news conference, he strongly implied that Iraq had the right to use such weapons ... against warring Iranians and Kurdish rebels." (*The Washington Post* of 16 September 1988)

j. In the weeks and months following the cease fire in the Iran-Iraq war, the use by the Iraqi Government of chemical weapons against its own Kurdish population drew international outrage. *The Washington Post* of 10 September 1988, in article by Helen Dewar, reported that:

"The US State Department officers, who interviewed Kurdish refugees from 28 Iraqi villages and reported seeing and photographing victims with 'blistering, oozing sores around noses and mouths' and similar wounds on 'hands, feet and other exposed tissues.' Refugees were quoted ... as saying that 'gas attacks killed thousands of people whose bodies were left unburied.' The refugees were interviewed in Turkey where they fled the Iraqi attacks. The US Secretary of State accused Iraq of employing chemical weapons on Kurds in recent weeks and warned that US-Iraq relations would be affected if poison-gas attacks and other human-rights abuses against the Kurds continue."

The same article went on adding that:

"The US Senate gave swift, unanimous approval on 9 September 1988 to economic sanctions against Iraq for what it described as 'gross violation of international law' in using poison gas against its Kurdish minority."

"Iraq on 16 September 1988 formally rejected a UN request to allow experts to visit Iraq to investigate the allegations of chemical weapons use against the Kurds." (*The Washington Post* of 17 September 1988)

"Dwelling on this issue, Iraq's defense minister, Gen. Adnan Khairallah, said that: 'The Kurds are Iraqis and, and it is an internal issue' adding that 'I want to deal with a certain segment of my population in the way I want.'" (*The Washington Post* of 16 September 1988)

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[1] S/19637, S/19639, S/19647, S/19664
S/19650, S/19651, S/19665 and S/19682